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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,818	11/14/2001	Bryan Jeffery Moles	SAMS01-00153	5813

7590

10/15/2004

Docket Clerk
P.O. Drawer 800889
Dallas, TX 75380

EXAMINER

PHAM, TUAN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,818

Applicant(s)

MOLES ET AL.

Examiner

TUAN A PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ariga (U.S. Patent No.: 6,625,455) in view of Gillig et al. (U.S. Patent No.: 6,141,560, hereinafter, "Gillig").

Regarding claims 1, 3, 12, 14, and 18, Ariga teaches a wireless communications system and method, a system for automatically customizing operation of a wireless device comprising (see figure 1A and 1B): a small area transmitter

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supporting wireless connectivity with wireless devices (see figure 1A, base station 100, building 105, portable telephone 101, col.3, ln.14-28) and a behavior service defining behavior of wireless devices within a service area for the small area transmitter (see figure 1A, col.3, ln.44-63), wherein wireless devices detecting the behavior service upon entering the service area automatically set operation of the wireless device to conform to the behavior defined by the behavior service (see col.3, ln.38-67).

It should be noticed that Ariga fails to clearly teach user preferences. However, Gillig teaches such features (see col.5, ln.24-40) for a purpose of storing the user preference in the portable phone.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of user preference, as taught by Gillig, into view of Ariga in order to easily retrieve the information on the portable phone.

Regarding claims 2, 4, 8, 13, 15, and 19, Ariga further teaches the system and method wherein the step of providing a behavior service defining behavior of wireless devices within a service area for the small area transmitter further comprises: transmitting a set of attribute-value pairs (i.e., power on, power off) for reception by wireless devices within the service area (see figure 1A, 1B, col.3, ln.38-67, col.4, ln.1-7).

Regarding claim 7, Ariga teaches a wireless communications system and method, a system for automatically customizing operation of a wireless device comprising (see figure 1A and 1B): a small area transmitter supporting wireless connectivity with wireless devices (see figure 1A, base station 100, building 105, portable telephone 101, col.3, ln.14-28) and a behavior service defining behavior of

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wireless devices within a service area for the small area transmitter (see figure 1A, col.3, ln.44-63), and a controller within the wireless device detecting the behavior service upon entering the service area and automatically setting operation of the wireless device to conform to the behavior defined by the behavior service (see figure 2, CPU 205, col.3, ln.25-37).

It should be noticed that Ariga fails to clearly teach user preferences. However, Gillig teaches such features (see col.5, ln.24-40) for a purpose of storing the user preference in the portable phone.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of user preference, as taught by Gillig, into view of Ariga in order to easily retrieve the information on the portable phone.

Regarding claims 5, 9, 16, and 20, Ariga further teaches the system and method wherein the wireless device, upon detecting unavailability of the behavior service following previous availability of the behavior service, restores operation of the wireless device to a state existing prior to automatic setting of the operation of the wireless device to conform to the behavior defined by the behavior service and associated user preferences (see figure 1B, col.3, ln.64-67, col.4, ln.1-15).

Regarding claims 6, 10, 17, and 21, Ariga further teaches the system and method wherein the behavior service becomes unavailable as a result of the wireless device leaving the service area of the small area transmitter (see figure 1B, col.3, ln.64-67, col.4, ln.1-15).

Regarding claims 11 and 22, Gillig further teaches the system and method wherein the user preferences specify, for each behavior associated with a known attribute within attribute-value pairs received from the small area transmitter, one of automatic acceptance of the behavior, automatic rejection of the behavior, and notification of a user for manual acceptance or rejection of the behavior, wherein the acceptance, rejection, or notification may be conditional or unconditional (see col.5, ln.19-63).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Isberg et al. (U.S. Patent No. 6,246,891), Kirbas et al. (U.S. Patent No. 6,701,144), Oura (U.S. Patent No. 5,991,614), and Sawada (U.S. Patent No. 6,421,544) are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s). These references are also concerned for supporting the system and method for automatically configuring features on a mobile telephone based on geographic location.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (703) 305-4987. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (703) 305-4708 and

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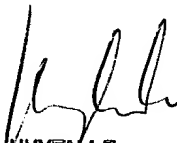
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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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October 10, 2004
Examiner

Tuan Pham



HUYEN LE
PRIMARY EXAMINER